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Class E 429

Book 436

SPEECH

OF

HON. E. C. MARSHALL, OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES, JANUARY 6, 1853.

In the Committee of the Whole on the state of the Union, on the conduct of the present Administration in regard to Cuba, and our Foreign policy generally.

Mr. MARSHALL said:

Mr. CHAIRMAN: I had not wished or intended to claim the attention of the committee to the remarks I propose to make to-day. I had intended, and still intend (unless the duty is discharged by some one who can bring before the House the authority of a greater name) to offer a resolution to this effect: That the Committee on Ways and Means be directed to report a bill placing at the disposal of the President of the United States the sum of five or ten millions of money in the Treasury, and not otherwise appropriated, to meet any exigencies which may arise before the meeting of the next Congress in our foreign relations. I wished to have presented some such resolution in the House, not only that it might give rise to discussion of matters of a practical and important bearing on the interests of the country, but that such discussion might be followed by some action on the part of this House which would have significance before the people. I had hoped, and still hope, that a vote of the House, giving unequivocal expression of opinion upon practical questions will be taken, and I entertain the fullest confidence that that vote will have the happiest effect at home and abroad. The expression here in committee of abstract opinions on questions which may never arise, and which certainly will only arise in the remote future, is no part of my purpose to-day.

There are affairs now pending in regard to which the action of the Executive, so far as any action has been had, has been, as I think, and as I shall endeavor to prove, ruinous to the interests and fatal to the honor of the nation. Fortunately, our foreign policy may yet be changed, or rather, a foreign policy may be established consistently with the faith of treaties and all our obligations, while the public interests are protected and the national honor redeemed. The resolution which I propose to introduce will announce to the incoming Administration our perfect confidence in it, as the popular vote in the late election has done on the part of the people themselves. It is offered not as a war measure, but simply implies that a change of policy is desired, and that the Executive will have the support, the earnest and effectual support of Congress. A vote of confidence of this character is not without precedent in our history; and it is also established firmly in the Government from which many of our usages and laws are derived. I shall urge this measure upon the Democratic

party as a peace measure, and one which strikes me as the most important upon which we shall have to act, in its effects upon our national character and national interests. The subject of our foreign relations has been introduced by gentlemen in committee, and questions have been debated which, although not identical with those which I think render necessary the vote of confidence of which I have spoken, are yet cognate questions; and as the points to which I attach the greatest importance have been almost neglected and doctrines inculcated of the worst influence upon the State which I represent, in part, I have determined to give my own views of those questions at this time, although I think the subject would have come up with more propriety and effect upon a resolution before the House. I shall call the attention of the committee to the diplomacy of this Government in the Island of Hayti and the Republic of Nicaragua, because there we have incurred the deepest shame and sustained the greatest loss, and because these evils are not without easy remedy; and for the further reason that the State which I represent in part has a special and local interest in the policy of the Government as regards the Gulf of Mexico, its islands and shores.

It is true, as a general principle, that in a Confederacy like ours, the more remote members are, and ought to be, more jealous of the honor, and more sensitive to every indication of weakness of the Union, than those nearer the political and geographical center. *Cris sum Americanus* is uttered with more pride on the shores of the Pacific than the Potomac.

We lean upon the General Government for support; and nowhere within the ample boundaries of the Union does there exist the same sentiment of confiding dependence that we feel. At the same time there are none of the States which have felt with such poignant shame the sacrifice of honor and principle, and the deep humiliation brought on us as a people by the present Administration.

We believe, we know, that there is strength enough in the Government, under a manly and patriotic Administration, to protect all its parts in all their rights. The eagle's wing is strong enough to bear its flight over the continent, and its back and talons sharp enough to guard its charge, even though the lion of England should array himself against it in his acknowledged power.

The interest so universally felt in the subject of

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inter-oceanic communication, and much of that felt in regard to the islands and shores of the Gulf of Mexico, has arisen since, and depends on the acquisition of California. Commercial necessity forces us to transmit, monthly, nearly three millions of specie through an independent republic, and under the very guns of fortresses which have only to hold us in the contempt we have merited to become hostile; and the inestimable rights of every kind of our citizens are exposed through the same causes, and to the same dangers. I feel obliged, therefore, even on occasions not peculiarly appropriate, even when the effort will not be productive of immediate action, to assert the doctrines I hold, and to expose the imbecility and corruption, from which even now we are suffering. The island of Cuba, and the possibility and probability of its annexation to the Union, and the policy of the Administration toward the Government on which it is dependent, have produced much debate. The danger of collision between Spain and ourselves seems to me to have passed for the present, and, right or wrong, the questions between us are settled. I do not think that in good faith the next Administration can, or that it will, assert any claim or principle likely to renew the late difficulties, or to change materially our relations with Spain or Cuba. I cannot see that any immediate necessity exists for a change in our policy, or that any practical question is likely to arise. Neither the next Administration, nor the present generation, will be called on to act in regard to it, and I am willing to leave it to the wisdom and courage and patriotism of those who will, by the course of events, and in the fullness of time, have to meet it. I cannot but allude to one significant fact, of which I have seen no explanation, which goes to prove that the Administration is by no means confident of the propriety of its course in the most exciting and threatening of the Cuban difficulties. The American Consul in Havana, who had pursued precisely the course consistent with the expressed views and instructions of the Government, who carried out with a tameness and cowardice, which should have made him Secretary of State, the will of the Executive, was by that very Executive dismissed with dishonor, and given over to the execrations of the whole unanimous people, without one word of explanation or defense.

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The gentleman from North Carolina, [Mr. VENABLE,] who introduced this discussion, did not confine himself to an examination of the policy of the Administration in respect to Cuba, but went on to the assertion of general principles, which I was surprised to hear from him, and in which I by no means concur. That gentleman also indulged himself in a general reprobation of the doctrines of progress, and the plans of filibusters, and seemed to intimate a belief that some political party, or section of a party, were desirous of lawless conquest, and in favor of predatory incursions upon neighboring Powers, especially if those Powers were weaker than ourselves. Now, sir, let me say in behalf of Young America, and the progressives, with whose opinions I sympathize, that we desire to do no one thing which is not consistent with the sound principles of public law, and the rights of all our neighbors. That we do not desire war for conquest, or any purpose; that we regard it as the greatest evil, except dishonor. And further, that we advocate no measure of foreign policy which ought, or which we believe will, lead to war. We contend for no new doctrine;

we merely insist upon the strict observance of principles well established by authority, and necessary for our own peace and safety. I shall, in another connection, state the doctrines to which I allude, while I now consider some of the leading propositions of the gentleman, [Mr. VENABLE,] which I believe constitute a faith common to the gentleman and the more conservative portion of the Whig party.

If I understood the gentleman, he was opposed to the annexation of Cuba at any time, and in any way, on the ground that the Union could not with safety embrace any additional territory. I will also state what I believe is the real operative reason of the objection of that gentleman. It is a conviction, now nearly universal, that the progress of slavery in American territory is arrested. That in all future acquisitions, from the operation of many active causes, the institution of slavery will not exist. It is clear that whatever the reason assigned, the ground of opposition to the acquisition of a country so manifestly advantageous to the South as Cuba would be, either as a free or slave State, is jealousy of the North.

Mr. Chairman, the time is past when the question of slavery in any territory about to be acquired, can produce the agitation and danger which has arisen from it. The principle is settled by the compromise, that the citizens of such territory, at the time, shall determine for themselves this question; and if the North should, by its greater energy and aptitude for emigration, acquire the popular power, and the right under the rule so settled by the compromise, to declare any territory seeking admission into the Union, free, the South could not, if it would, under the Constitution and laws, and would not if it could, resist a measure beneficial to the whole nation. The South should be satisfied with the guarantees of the Constitution and the laws, for their peculiar institution; and even if it be receding, if the conditions of human society, and the progress of free States militate against it; if with the protection thrown round it by the organic law of the land, it be yet in its own nature temporary and evanescent, and about to disappear before the democratic energies and the laws of political economy, there is neither the wisdom of a statesman, nor the generous patriotism of a good citizen, in seeking to impede the advance, and check the development of States where no such institution obtains.

I believe myself, and I speak only for myself, that there will be no more slave territory annexed to the United States. The history of the country, and especially of California, establishes the fact, and illustrates the principle which governs the case. Look at California. If slavery could ever progress, it would have obtained there. Slavery is only advantageous to the slaveholder in countries where the largest amount of labor can be bestowed on the smallest surface, and where it pays the heaviest profit. Now, sir, since man first left the Garden of Eden, there has been no place discovered where these conditions are so wonderfully met, as in California—and yet I tell gentlemen that there never was a time when slavery could have been introduced there, nor is such a time coming. We approved the compromise; but the character of our State was fixed without it. Labor was imposed as a curse, (and it is awful in my private opinion,) and free citizens will not submit to have it made dishonorable, as well as disagreeable, by slave competition. Free men will be the first emigrants, and they have, and will protect their aris-

ocracy of labor from the action of organized capital, in the shape of slavery.

But as regards the proposition now beginning to be urged in the most unexpected quarter, that any extension of territory is dangerous to the Union, I shall say only a few words. The directly opposite proposition would seem true upon its mere statement—certainly every addition of territory, voluntarily connecting itself with an existing government, increases the physical force and resources of every kind, at the disposition of the constituted authorities of the whole.

It is true that a pure democracy can only exist within narrow territorial limits, and with a very small population, for the obvious reason that where the people assemble and pass laws directly, that only a very few can meet or act in concert. Our own observation and experience proves that such democracy should consist of fewer citizens than compose this House, if prompt and efficient legislation is the thing desired. But that difficulty, which is as old as the formation of society, was obviated by the system of responsible representatives of the people themselves. The other objection, that a legislature assembled from vast distances, could not wisely provide for the local wants of regions remote, and to the great majority of its component members, wholly unknown, has been met only conclusively in the history of the world by our own system, partly national and partly federal. The establishment of the doctrine of State rights, as a security for efficient local legislation, and a Federal Legislature, Executive, and Judiciary, for the arrangement of foreign relations and of domestic affairs, throwing its guardian arm over all, is perfect in theory and in practice. It appears to give the only absolute security against the prevalence of dangerous faction, by placing always, in the hands of the National Government, the force of more than half of the Confederacy; and against foreign invasion it is a self-evident security—and these internal factions and foreign wars exclude all the perils which can menace a nation. I confess that I can see only one limit to the safe extension of territory, and that is in a distance so great that the constituent citizens would be unable to hold the representative to the rigid responsibility which is the basis of the whole system.

Such a Government seems to me to grow stronger with each accession of territory, and like a well-constructed arch, to acquire greater firmness from increased pressure and accumulated weight. But suppose the worst did happen, from the annexation of Cuba, or any other province—suppose the worst to have come—that the parts could no longer hold together, but must dissolve: what then? I say, still, that the experiment is worth trying, and that good would result even from the temporary union. We would have introduced new ideas; we would have taught the lesson of self-government, of resistance to oppression, of freedom, of the equality of men in the eye of the law, of the dignity of the individual, without which teachings, man had better not be.

We would have made converts to the faith of human liberty, and given their true value to a nation; and whether we continued to exist in one Union, or broke into fifty free republics, the world would be improved by the diffusion of that knowledge, which alone makes life tolerable. The great Union so broken, would be like a fractured diamond, less valuable certainly in its fragmentary state, but still the same precious material, reflect-

ing from each brilliant part the light of American civilization, intelligence, and liberty.

No one can have less sympathy than myself with the wild excesses into which the true liberal, but at the same time safe and prudent, have sometimes carried. I would by no means defend the vagaries of Anarchist Goudy, or such a scoundrel as he represented. I mean to be every advocate of wild and self-indulgent progressivism, but I prefer it much, in its worst form, to the extreme of conservatism—that conservatism which would, in terror and suspicion, withdraw from all foreign intercourse into Japanese seclusion; that conservatism which, in dread of entangling alliances, would refuse to declare a principle of public law, or in the maintenance of strict neutrality, refuse to defend its own, plundering both of respect; that conservatism which instructs the representatives of a great Republic to avoid in monarchical courts the expression of the sentiment of the country they represent, or the incitement abroad of the free principles which alone give value to government; that conservatism which has already made our own diplomatic corps mere evidence of the power, mere trappings and circumstance to swell the pomp and flatter the insolence of those potentates to whom their very presence should be a solemn warning; that conservatism which dares not interpose in friendly mediation between its own neighbors, without calling in the crowned heads of Europe to destroy its influence and laugh at its folly. Liberal opinions and bold policy may run into inconsiderate rashness; but prudent conservatism may also degenerate into cowardly imbecility. The notions of an hundred years past are not necessarily or generally suitable or safe at this date.

The conservatism of the present day is a mere eddy in the rushing and resistless tide of human development and progress. The position of our continent, its mere geographical position, makes impossible the policy of conservatism. Placed between the civilization of the Orientals, which the maturity of despotism has well-nigh destroyed, and the nations of Europe still fresh and vigorous even under the curse of monarchical and aristocratic institutions, commercial necessity, like the attraction of gravitation, forces contact with both. Commerce must have its agents, must be protected. Representatives of the Government, with political character higher than the mere consul, and hedged round by the sacred *jus postliminii*, introduce the very atmosphere of the republic to the court of the monarch.—opinions are diffused, sympathies are created, interests spring up, which may be affected by the terms of treaties to which we are not parties; wars and pacifications, transfers of territories by which our rights and privileges may be sacrificed, so blended become the interests of commercial nations that an injury to one is an injury to the other. The United States must either adopt a Japanese seclusion, or she will be forced into entangling alliances, and will become the involuntary propagandist of the hideous principle of republican liberty. Conservatism is impossible; we must go backward or forward. We must decline into worse than colonial feebleness, or we must accomplish a mission of world-wide beneficence. Fogysm itself would look hopefully forward from one of our California promontories, around which break, unheeded in their wild play for six thousand miles, the giant waves of the Pacific ocean. (Plenipotentiaries from China offering unrestricted intercourse)—Fogysm itself would become a convert to progress, and fancy

the very continent a vast ship voyaging triumphantly into that future, which opens bright but boundless around humanity.

I have said, Mr. Chairman, that the subject to which I should ask the attention of the committee, was of a practical character. In the investigation of the policy of the Administration in the Island of Hayti, I shall attempt to prove that the doctrine of Mr. Monroe, and the principles of national law, and the dictates of humanity, and the impulses of universal manhood, that all the settled and necessary rules of conduct peculiar to the United States, as between it and the Powers of Europe, in the adjustment of the affairs of this continent, and the instruction and all-pervading sense of dignity and personal consequence which regulates the deportment of man to man, have been openly and absurdly violated. That the rights and interests of the United States, the rights and interests of a sister Republic, have been continually and wantonly sacrificed. These are strong terms, but I shall endeavor to establish the title of the Administration to yet stronger epithets. And here, sir, in advance of the argument, and assuming, for a moment, what I propose to prove, I must express my astonishment and mortification at the course of the central Democratic journal, (*The Union*), in regard to this affair. This journal, which should be the organ of the party—which should exert an immense influence in the formation of public opinion—which should gather, with patient labor, correct information for general diffusion; this paper which should be a vigilant sentinel over the doings of the Administration, has selected this disgraceful negotiation for its approbation. The Union has exhibited the last degree of ignorance and thoughtlessness in its article upon this subject, and has not only failed to throw any light upon it, but has not even reflected truly the conclusions or reasoning of even the most careless observers of passing events. We want beyond everything a party organ which shall be conducted, not as a commercial speculation, not solely or principally with a view to pecuniary advantage, but a periodical which shall be the jealous guardian of the rights of the people and the honor of the nation; which shall speak with the boldness of conscious knowledge on all subjects of public importance. Upon this question of Hayti, the Republic copies the article of the Union as being perfectly in accordance with the views of the Administration. Did not the Union know, had its editor never heard, that the Democratic party, so far as it had expressed, by the press or otherwise, its opinions on this point, had visited, with the deepest reprobation, the course of the Administration?—but the article itself contains (what every one in the country knows, and nothing more) enough to convict itself of absurdity, and the Executive of weakness and disregard of one of the fundamental principles of American policy. It says:

"In general, the foreign policy of President Fillmore's administration has not been in accordance with our notion of what the foreign policy of this country should be, and we have been constrained in some instances to express an emphatic disapprobation of negotiations which seemed to us to compromise the dignity and to surrender the rights of the United States. For this reason, any instances of an energetic or wise administration of the foreign affairs of the country by an Executive whose general policy we have been constrained to condemn, will the more readily command our warmest commendation. Such an instance of wise diplomacy do we regard the efforts of this Government, in conjunction with Great Britain and France, to arrest the sanguinary designs of the negro Emperor of Hayti against the republic of Dominica.

"By some means, publicity has been given to the correspondence between the State Department and Mr. Robert M. Walsh, its agent in the negotiation for the pacification of Hayti. In the various papers which constitute this correspondence, the motives and purposes of the Administration in proffering its good offices in behalf of the Dominican republic, are frankly and clearly set forth.

"In 1821, the Spanish portion of the Island of St. Domingo voluntarily subjected itself to the government of Hayti, then presided over by Boyer. On the expulsion of Boyer, and on account of the wrongs and grievances which they had endured, with a repetition of which they were menaced, the Dominicans threw off the subjection of negro government and established an independent republic. To this step the Spanish inhabitants of St. Domingo were driven by the necessity of self-preservation. Not only were their political rights and their liberty invaded and trampled upon by the black barbarians of Hayti, but the doom of indiscriminate slaughter and extermination was incessantly held before them in the threats of the Maeyaa and Dessalines.

"By the most imperious necessity, then, were the Dominicans impelled to set up an independent government. Nevertheless, their act of separation was regarded as a revolt by the negroes of Hayti, who prepared to reduce the rebel whites to subjection by the strong arm of force. All the efforts of the Haytian government were unequal, however, to the reconquest of Dominica. The Spaniards defended themselves with valor and energy, and, despite the disparity of numbers, successfully repelled the invasions of their foes. They achieved and established their independence. France formally recognized the republic of Dominica. England and the United States recognized it by their acts. Still Soulouque refused to acknowledge the independence of the Dominicans, and persisted in his efforts to reduce them to subjection. In this juncture, under the apprehension of a very formidable attack by Soulouque, the Dominican government solicited the mediation of the United States, Great Britain, and France, to restore, if possible, peaceable relations with its savage neighbors. Great Britain and France promptly acceded to the proposition, impelled thereto by every consideration of justice and humanity. Without reluctance, the United States followed their example. The Government dispatched Mr. Walsh to the Haytian court, to cooperate with the representatives of Great Britain and France in the humane endeavor to persuade the Emperor Soulouque to abandon his hostile designs against the Dominicans.

"Persuasion could not appease his ferocious wrath, nor could threats drive him from his bloody purposes. He persisted in his designs against Dominica, and would in no manner acknowledge its independence. The utmost the mediating Powers could effect was the prolongation of an existing truce.

"And this was the issue of a negotiation for which the Administration deserves credit. It originated in an impulse of humanity, and sought to protect a civilized community from the oppression and ferocity of a blood thirsty savage. The mission of Mr. Walsh was a mission of peace and true philanthropy."

Even in the imperfect history of the Island of Hayti here given, it is clear that the Dominicans were entitled to their independence in the judgment both of the Union and the Administration; that being so entitled, and in fact being independent, they invited the United States to protect them against a savage whose power was originally founded on murder, and continued and sustained by lawless outrage. The Union indorses this paragraph from the instructions of Mr. Webster to Mr. Walsh, the agent who conducted the negotiation:

"You will then, conjointly with your colleagues, require the Emperor to conclude a permanent peace with the Dominican government upon the basis which you may jointly prescribe to him, or to consent to a truce with that government of not less than ten years.

"The Emperor should be made properly aware of the dangers which he and his country may encounter, if he should be unfortunately advised to reject reasonable terms of pacification; but you will stop at remonstrance until further notice."

Now, if this means anything, it means that the United States assert a right to intervene forcibly, if necessary, in the affairs of the island, and that that intervention has been made in a way that calls for "the warmest commendations" from the Union. Those warmest commendations are bestowed upon the total failure "to appease his

1787, 1788, and 1789. In those years, the exports from Hayti alone, one third of the island—and with a population, all told, of five hundred and thirty-five thousand—was \$8,783,000; the consequence is, that Dominica, which has a soil equally productive, and twice as extensive, would, if she were suffered to, equal the condition of Hayti under the French in 1787, 1788, and 1789, sustain a population of more than a million, and export over fifty millions. This is an estimate infinitely lower than the facts justify, but it is sufficient to show that the interest of the United States consists with its duty; that all the motives, pecuniary advantage, security for our trade in the Gulf, and the dictates of humanity, should impel us to the effectual protection of the Dominicans.

But no motive of interest would be sufficient to direct national policy as against the public sentiment of civilized and enlightened nations or the plain dictates of morality and justice.

Has the United States a right to interfere? The Administration has not only settled that question as against itself by an actual interference, but it has published satisfactory reasons for its intervention. In addition to the instructions given to Mr. Walsh, quoted before, the following extract from a letter addressed by the representatives of the three Powers, Great Britain, France, and the United States, to the Haytian Minister of Foreign Relations, expresses the views of the Administration, and takes the true ground:

"In the eyes of the three Powers, the independence of the Dominicans reposes upon a right as sacred, a fundamental compact as respectable, a fact as consummate, as those which secure the independence of Hayti itself. In their eyes, that people is in legitimate possession of all the titles which constitute nationalities the most incontestable; a regular administration, a legislation protecting equally the persons and property of all, a military organization both on land and sea, a flag enjoying the honors due to that of a free country, international relations through accredited agents, and even a solemn treaty of recognition and commerce with one of the chief nations of the earth."

And from the same document:

"Reduced to the alternative of renouncing those advantages, or of perpetually fighting to retain them, the Dominicans have been compelled to request the intervention of the Powers with whom they are connected by the aforesaid international relations, in order to free themselves from a position so deplorable.

"That intervention they justly obtained, because a few words inserted in the often-modified constitution of Hayti, are by no means sufficient to create for that country a right of perpetual possession of the territory of its neighbor—a possession entirely fictitious at the time when that constitution was formed, continuing so during eighteen subsequent years, and again becoming so after the lapse of seven, and of which the temporary existence only demonstrated the radical impossibility of blending two races of different origin, customs, manners, and language."

And again:

"The only thing for foreign nations to consider was the simple fact that the Republic of St. Domingo is positively independent, and entitled to be treated as such, whatever may have been the original rights or pretensions of Hayti."

Nothing could be more distinct and satisfactory than this. Upon the same subject, and to show to the Department at home the propriety and necessity of intervention, Mr. Walsh writes to Mr. Webster in these words—this is official:

"The contrast between the picture which is now presented by this country, and that which it exhibited when under the dominion of the French, affords a melancholy confirmation of what I have said. It was then indeed an 'exciting and abounding' land—a land literally flowing with milk and honey; now, it might be termed, without extravagance, that where it is not an arid and desolate waste, it is flooded with the waters of bitterness, or covered with noxious and poisonous weeds. 'When I arrived here,' to quote the words of an intelligent foreigner who has been in Hayti since the epoch of its independence,

'there was abundance of everything—now there is a want of everything.' The cultivation of sugar, which was once the main fountain of wealth, is now entirely abandoned, except for the production of an intoxicating drink; and that of coffee has so much decreased, that it would not in the least be a matter of surprise if ere long the supply of that indispensable article for Haytian commerce, were to be insufficient for the ordinary consumption of the inhabitants themselves.

"The government, in spite of its constitutional forms, is a despotism of the most ignorant, corrupt, and vicious description, with a military establishment so enormous that, while it absorbs the largest portion of the revenue for its support, it dries up the very sources of national prosperity, by depriving the fields of their necessary laborers to fill the town with pestilent hordes of depraved and irclaimable idlers."

And in further proof of the strong position taken by Mr. Walsh, with the approbation of the Department, witness this extract from an official letter:

"I thought I might then try the effect of an argument which I took care to represent as wholly unofficial and private, my Government having no knowledge of it whatever. The day before I left Norfolk I was told by a friend that he had been offered a command in an expedition which was contemplated to go to St. Domingo and assist its inhabitants against the Haytians. This fact I communicated to the Minister with all plausible emphasis, dwelling upon the perilous probability that should such an expedition ever land upon the island, all the miseries and horrors with which the Emperor was now threatening the Dominicans would be brought to his own door; that the desperadoes composing it would never rest until they had exhausted every effort to overwhelm the empire, and that even if they should fail in destroying it, the evils they would suffer would be almost equivalent to ruin. The only sure way, I added, to arrest the danger was to conclude a peace, and by thus depriving the expedition of the lawful motive of lending aid to a people whose independence was wrongfully assailed, it would become the duty of the United States to prevent it from leaving their shores.

"The chord was one which seemed to vibrate more strongly than any other, for the Government has been in great dread of such an expedition ever since the attack upon Cuba."

And again, from Mr. Walsh, as to the right to menace or use force:

"The truth is, the big ship in the harbor is not a pleasant spectacle to his eyes, and the sending such a one just now, is a ceremony of which he would much prefer the breach to the observance. It is a pity the commodore cannot protract his stay here, as the presence of the steamer would materially assist our negotiations, the logic of force being, I am afraid, the only kind which his government thoroughly comprehends, or at least is disposed to respect."

But as to the views of the Department of State of the national character of Hayti and the government of Souloque, the following to Mr. Walsh, from Mr. Webster, is conclusive:

"It is presumed, however, that in process of time—and perhaps before long—if the Haytian government shall abandon its ambitious projects of foreign conquest, shall devote its attention to the improvement of its own people, and shall succeed in that object, so as to command the respect of dispassionate and impartial men, no nation whose interests may dictate the measure will hesitate to send consuls to their ports or to recognize Haytian consuls in their ports."

Could anything be clearer? The Government itself asserts the right to coerce the Haytian outlaw, and refuses to recognize the absurd and monstrous empire as one of the Powers of the earth, entitled to the respect or countenance of the civilized world. One other extract from Mr. Walsh's report, and the diplomatic history of this affair, as furnished by the Government, is finished. In it is confessed the failure of the whole mission, and the only honorable and manly course indicated. It has been, however, wholly disregarded:

"That result can only be accomplished by coercing the Haytian government. All persuasion and argument are thrown away upon it, all sense of duty and justice and right is merged by it in sanguinary ambition and ferocious vindictiveness. The Dominicans will listen to no terms

which do not establish their national sovereignty, which they have so long and so successfully defended.

"They would prefer total extermination, as they declare and as their conduct demonstrates, to falling again under the atrocious despotism which they have shaken off; and every consideration of interest, of justice, of humanity demands that their independence should be placed on a secure and permanent basis."

I will, however, Mr. Chairman, take a more comprehensive view of this question. Has the United States a right to intervene for the protection of Dominica against Soudouque? The facts and principles which are necessary to prove this right, are often identical, and always connected with those which establish the obligation of the Government to forbid, and at any hazard to prevent, the interference of any European Power, especially France or England, in the affair.

The conclusion as to the policy of the Government, which has contemptibly failed in the assertion of the right, and which has, without any justification or necessity, or any good result, in fact violated the obligation, is inevitable. Before going into these facts, before giving a brief account of the relations of the Island of Hayti to Europe and to ourselves, and its different parts to each other, and of the submission by this Government to the interference of France and England, it is well to recur to and carry with us distinctly the rule of foreign policy, and its reasons, which is called the Monroe doctrine. In the seventh message of Mr. Monroe, this clear and luminous exposition of the doctrine occurs:

"It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Events in that quarter of the globe, with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced, that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied Powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled liberty, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies and dependencies of any European Power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great considerations and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by a European Power in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and still continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this Government, shall make a corresponding change, on the part of the United States, indispensable to their security.

"The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied Powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain.

To what extent such interposition may be required, on the same principle, is a question in which a full independent Power, while its Government itself has no interests, is not interested. Even those need to be made. Especially is so in the case of the United States. Our policy in regard to Europe, which has been adopted at an early stage of the wars which have so long agitated that quarter of the globe, may be deemed to be the same, which is, not to interfere in the internal concerns of any of its Powers, to consider the Government of each as the legitimate Government of each, to relate to each by relations with it, and to preserve those relations by a uniform, and manly policy, meeting in all instances the just claims of every Power, and adding to our own honor and glory, in regard to these conflicts, circumstances which are constantly and comparison is different. It is an anomaly that the allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, in 1823 to the present, would permit it to their own accord. It is equally impossible to suppose that we should behold such interposition, in any form, with indifference. It we look to the comparative strength and resources of Spain and these new governments, and their claims to be each other, it must be obvious that the can never subdue them. It is still the true policy of the United States to give the parties to themselves, in the hope that other Powers will pursue the same course."

In the subsequent or eighth annual message of the state President, Mr. Monroe, he concluded to the conflict between Spain and her colonies; said that the latter had fully achieved their independence, and that said independence had been recognized by the United States. He then adverted to the European Powers; said that it was "the interest of the United States to preserve the most friendly relations with them, but that with regard to our neighbors, the republics of South America, our situation was different. It was impossible for the European Governments to interfere in their concerns without affecting us. Indeed, the motive which might induce such interference would appear to be a justly applicable one to us;" and he added that "it was gratifying to know that some of the Powers with whom we enjoyed a very friendly intercourse, and to whom these views had been communicated, had appeared to acquiesce in them."

In this statement it will be observed, that all intervention between the Governments of the hemisphere by the Powers of Europe, for whatever purpose, whether "to oppress them or control in any other manner their destiny," is declared to be "the manifestation of an unfriendly disposition towards the United States." The purpose for which the intervention might be made does not change the character and the hostile character of the act; and the reason is obvious, and our late experience gives it additional force. If once they are permitted to interfere, protectorates, and consequent acquisitions and fortifications of strong points, for the effectual protection of such wards, would render the State so protected and occupied, the mere creature and victim of the stronger power, and would lead by a thousand pretexts which everybody but Mr. Fillmore can see at once, to the introduction of the European system into the continent, which is inconsistent with our safety. How dangerous every infraction of this principle is, may be seen by the late overtures for a tripartite treaty, which would have bound us in all time from the acquisition of Cuba, and which has even awakened the Executive. This offer, so promptly rejected, was, however, a corollary, a necessary consequence of the tripartite mediation in Hayti, and the admission in Honduras, and along the Mosquito coast, of the claims of England.

The offer on the part of France and England to make a treaty stipulating for the eternal separation of Cuba from the United States does not equal in

insolence either of the two encroachments which we have not only submitted to but invited. To what depth of degradation—to what sacrifice of pride, honor, and power—to what extreme of humiliating subservience to Europe we would have insensibly gone, I forbear to conjecture. We have gone far enough, however, to prove that the only safety is in the rigid observance of the Monroe doctrine which is contained in one line: Non-interference on the part of European Powers with the independent governments of the New World. That this doctrine should have been enforced with jealous precision against France and England in the Island of Hayti by the United States is made more apparent by the fact that each of these Powers has guarded against interference by the other, and that the United States alone has been indifferent to the progress of either in the island. The joint mediation met the views of both those Powers, as it gave to them a controlling majority in any negotiations which might be entered into. And that there could have existed no adequate motive for accepting or tolerating the joint interference of those Powers is demonstrated by the fact, that that connection with us did not influence Soulouque in any degree, but that the joint mediation was as ludicrously impotent as our sole attempt could by possibility have been.

By the treaty of Ryswick, 1697, Spain ceded to France the western one third of the Island of San Domingo, retaining the eastern two thirds. The black population of the western or French portion of the island in 1790 massacred the whites, and became independent of France. The blacks of the east or Spanish division did not join in this rebellion. In the same year the Spanish part of the island was ceded by Spain to France, and remained in her possession till 1808, when the English aided the Creoles to throw off the control of France, and the territory was confirmed to Spain in 1815 by the treaty of Paris, and was governed as a Spanish province till 1821. In 1822, Dominica, with a view to connect herself with the Colombian republic, revolted from Spain. This purpose was never carried into effect; but Spain was unable to attempt even its subjugation, and has never to this day reasserted her claim. On the contrary, she has openly acknowledged their independence by demanding, in 1830, from Hayti an indemnity for its loss, and also by receiving and treating with the Dominican commissioner in 1847 for the acknowledgment of the republic then established in the east.

In February, 1822, Boyer, the chief of the west or negro part of the island, the now Empire of Hayti, invaded the east with a force which was irresistible by the Dominicans. The provisional authorities were compelled to submit, and the territory was incorporated with the Haytian republic. It is not necessary to my present purpose to recount all the atrocities practiced by Boyer on the Dominicans. It is enough that his administration was so intolerable, not only to the Dominicans, but to the Haytians, that he was driven from power and from the country in the year 1813. Riviere, who overthrew and succeeded Boyer, was more ferocious toward the Dominicans than his predecessor. It is true that Dominica sent her representative to the convention held at Port au Prince, in 1813, to remodel the constitution. In the first business before the convention, the difficulty arose which led to the establishment of a separate republic in Dominica. This was the basis on which the union (if any union was to be

between the west and the east) should be established. The Dominican delegates insisted, as a fundamental provision, upon the protection and encouragement of white immigration. It was refused by the Haytian representatives. Upon this the Dominicans declared themselves independent of Hayti, in a manifesto published 16th of January, 1811. In the war which immediately followed, the Dominicans beat the Haytians in several actions, and have maintained themselves in this independence ever since. In November, 1844, the constitution, modeled after our own, was proclaimed.

The two successors of Riviere—Guerrier and Riché—made no serious attempt against Dominica. But Soulouque who succeeded, has exhausted every means in his power to annoy or to reconquer the country, and has publicly declared his intention to exterminate the whites from the island. Shortly after the establishment of the Dominican republic, commissioners were sent to this place to ask its recognition. Had they not a right to ask it? No claim to sovereignty had been advanced by any European Power for more than twenty years. They had, driven by a tyranny unexampled, thrown off the connection, forced in the first place with Hayti, and were in fact and of right independent. The leading ground of difference between them and Hayti, white immigration, should have commanded our sympathies; and the doom of extermination pronounced against them, gave them a right to protection on the grounds of common humanity. On the arrival of these commissioners, Mr. Calhoun was in the Department of State. The large and comprehensive mind of that great statesman, appreciated at once the importance of the interests involved, and he sent out a special agent to examine carefully and report on the affairs of the island. Before the report was made, or at least before it was acted on, Mr. Calhoun retired from the Department of State. Mr. Buchanan, who succeeded Mr. Calhoun, sent another special agent, Lieutenant Porter, who made a long, and I think, an able report, which was never acted upon, owing to the excitement and absorbing interest of the Mexican war, which was just then being commenced, and the events which followed it. This is, however, but an imperfect excuse for a most serious fault.

In 1849, just at the accession of General Taylor, Soulouque made the most formidable attack upon Dominica which it had sustained. He reached within two days' march of Santo Domingo city, and with a force apparently irresistible. The indifference and neglect of the United States had extinguished all hope of interposition on our part, and in despair the Dominicans applied for a French protectorate. This would have been accepted by France at once, and the Bay of Samaná (a point of more importance than Havana, and which, it is rumored, she has at last taken possession of) ceded to her—the island, in fact, would have become her property, but for the interference of the British Minister, who gave notice that Great Britain would not consent to it. The correspondence on this subject, copied from the archives in Santo Domingo, is now in this city, and in possession of the gentleman afterwards sent out by Mr. Clayton as special agent to Dominica. Whether this would have been submitted to or not by the United States, it is impossible to say; but it was by no action on the part of our representative at home or abroad that it was prevented.

After the invasion of Soulouque, which was defeated by the exertions of the Dominicans,

though made more formidable by domestic treason and foreign intrigue, Mr. Clayton, then Secretary of State, sent, as had grown to be a habit, a special agent to Dominica. I have had access to the reports and papers of this gentleman, so far as they could with propriety be communicated. Upon his arrival petitions and addresses from all parts of the Republic came to General Santa Anna and the President of the Republic, urging a retraction of the offers to France and opposing the French connection, and advocating annexation to or protection from the United States. An application was made to the agent, and by him forwarded to the Government here, praying for intervention by the United States for the pacification of the country. This application was forwarded by him along with a report, which set forth additional reasons, of the most conclusive character, why it should be favorably considered, and then, if not before, the authorities here should have become fully aware of the intrigues which both France and England (*the joint mediators*) had kept on foot for the acquisition of some hold in the island, and of the most fatal effect upon our interest. I shall give a short synopsis of the report, and then a short history of the diplomacy of those Powers in Hayti. And I think it must be clear to every mind, that whatever might have been decided as to our own intervention, or the extent and character of it, nothing but criminal carelessness or inflated and predestinated stupidity could fail to recognize the necessity for excluding France and England from any share in the matter or any the least control over our free action.

The report urges that the duty and interest of the United States was to intervene, for the reasons which I have before given, and which were subsequently assigned as the causes of the joint mediation, and goes on to urge further, that the war was one of extermination and for conquest, and that it involved the very existence of the white race in the island; that the Haytian constitution declared as a first principle "that no white of any nation should place his foot upon the soil with the title of proprietor," and that the Dominicans invited white immigration by grants of land and the privileges of citizenship; that our commerce suffered from the war, and that our citizens were endangered, and our property lawlessly seized by the barbarians of Hayti in the prosecution of the war; that acts of plunder and piracy to the amount of many hundreds of thousands of dollars had been committed against our citizens, as is proven by Mr. Webster's Report, House Doc., 3d Sess. 27th Congress. The report further urged the fact upon our Government, that England and France coveted Samaná, and that the Dominicans would be forced to cede it to one or the other, in consideration of protection which they had vainly sought from us. It was urged that France had never relinquished her designs to recover the island, and that England had always been, and was then, engaged in efforts to acquire the control of the island. The Government was by this report put in the possession of this additional fact—that the Consul General and Minister Plenipotentiary, Sir R. Schomburgh, as soon as he discovered that an application was made for the mediation of the United States, had offered and urged the mediation of England, which was not accepted. The Dominicans did not trust the English Government, but better informed, and consequently more prudent than the United States, feared the known

policy of Great Britain on the subject of non-interference between the races, and did not believe that she would support them in a policy which would give the double claim of Souloouque to sovereignty, as both a negro and an emperor. Doubtless, however, brought by many years of observation, that it was a part of the policy of Great Britain to support a free white republic on the island, but that her concerns were to acquire right, for herself, to the property. The mediation of England was, however, proposed by Schomburgh, with such discretion, that the Dominicans dared not reject it, and, accordingly, and the American agent was considered by the authorities on the subject. The Dominicans would not, however, agree to it, unless it was distinctly understood that the United States and France were to be joint mediators, and were to further distinct avowed that the call for joint mediation was in the alternative, and should be made only on condition that the United States refused to intervene alone. This report, and the others on the part of Dominica, were met by General Taylor's administration, so far as to require that their agent to give notice to Souloouque that the Government would not view with indifference any aggression on Dominica, at least while Souloouque was indebted to the United States. This notice had the effect to suspend for a time an invasion which Souloouque was preparing in 1850.

Mr. Bulwer now gave notice of the readiness of his Government to enter into the joint mediation, and the Administration replied, that upon the return of their special agent, they would give a definitive answer. The reputation of Mr. Clayton is, however, free from the stain of this service. Nothing was, in fact, done by him. General Taylor died while the affair was pending, and Mr. Webster took charge of the Department of State. It is worth remark, and should be borne in mind, that after the departure of this special agent from Santo Domingo, no treaty being concluded for the safety of Dominica, but everything which had always been, and still is, open and unsettled, the agents of France, and also of England, endorsed the propositions of Souloouque to that Republic, and endeavored to induce its authorities to submit to his demands. This is conclusive evidence that neither of those Powers were acting in good faith with us, or Dominica, and, taken in connection with the fact that the mediation wholly and shamefully failed of its purpose, and that the threats of the three greatest Powers of the earth did not alarm a barbarian who was unable to have resorted, for one moment, the attack of either of them—and that those threats were not carried out by either against him, when he met fully the very contingency on which they were uttered—it is monstrous—wholly incredible, on any principle of human action, that the majority of them could have been acting in good faith. This Administration, however, replied to Mr. Bulwer, by the appointment of Mr. Walsh; the joint mediation was entered upon. Everything which our interest and duty dictated failed, and the two Powers had the triumph of leaving matters open for their future action, with the undeniable advantage gained, an admission by the United States of the right of European Powers to interfere in the affairs of independent Governments in this hemisphere, and a thorough and well merited contempt felt for us and our arms and diplomacy in those Governments, which should trust us as implicitly as they should profoundly respect us. I shall leave this branch of the subject, with this extract from the official organ of the Dominican

government. I take it from the New York Herald, February 26th, which translates from the *Gaceta de Gobierno*, of January 25th:

"We were surprised," says the Dominican official organ, "when we read, in the message of the President of the United States to Congress, of the settlement of peace between the Dominican republic and that part of the west called the Haytian empire. This false report, communicated to that Government by an unfaithful person, precisely when Souleuvre was calling under arms a numerous army at Juana Mendez, in order to invade our territory, is highly alarming, for these falsehoods can affect us in other countries which are friendly to our republic. They wish to divert the attention of other nations from the unrighteous machinations against our independence. For that reason, we positively repeat, that till now the Powers who wished to settle that question, with the desire of avoiding bloodshed in a disastrous war, have not agreed on the affair."

The same spirit which has conducted our negotiations in Hayti has guided our policy in Nicaragua, and to the same or even worse results. The state of things existing at the present moment, produced by the sagacity and courage of this Administration, and the one which immediately preceded, may be stated in a few words. The territorial rights of the republic of Nicaragua are in fact sacrificed by the construction of the treaty made to protect those very rights, and this Administration has become a party to the dismemberment of that republic. The aboriginal tribe of Mosquitos are recognized as having the sovereignty over an indefinite extent of territory which has belonged to Spain since the discovery of the continent, or to the States which have been formed from her colonies. Islands in the Bay of Honduras, which belonged to that republic, have passed, without protest or objection, into the absolute possession of Great Britain, in direct violation of treaty stipulations, and the principle which binds us to the protection from European aggression of all the independent States of this continent. All this has happened, too, in violation of repeated pledges made by this Government. It is not necessary to trace minutely the history of our relations with *Central America*—political Central America—before the year 1848. In that year, the subject of inter-oceanic communication became of vital and immediate importance; and from that time the series of measures which have terminated in the disgrace of the American name began. Much earlier, however, as early as 1825, the subject was agitated, and correspondence was had between the governments of Central America and the United States on the subject, which is instructive. The Minister of that Government wrote to Henry Clay, then Secretary of State, asking the cooperation of the United States in a treaty for the secure establishment of a transit route, and giving the United States preference over other Powers, on the ground that its "*noble conduct* had been a model and protection to all the Americas." Instructions were accordingly given to our *Chargé d'Affaires* to assure the Government of our deep interest in the subject, and to investigate the matter and report upon it. This was not done; but the same efforts were renewed in many instances by Central America, and afterwards by the separate States which had composed it.

I shall pass, however, over all that, and come as hastily as possible to the negotiations which immediately preceded the Clayton and Bulwer treaty, and which are necessary to a full comprehension of the present established policy. In 1847, the republic of Nicaragua, feeling itself endangered by the aggressions of the British, and alarmed at the fatal doctrines asserted by that Government in regard to the rights of the Mosquito kingdom,

appealed to the United States for protection, on these grounds:

"The United States is the natural protector of all the republican States of the continent, the center of the hopes of the American cause. Nicaragua, who derived its first impulses from you, and is animated by your example, doubts not that her representations will be received on a subject which threatens her institutions and independence, and affects the interests of all the American republics."

Mr. Buchanan, to whom this letter was addressed, did not reply to it at all; but subsequently, after the same application was repeated, and the English had actually seized the port of San Juan, he sent out Mr. Hise to negotiate. Mr. Hise did not return till after General Taylor was inaugurated, when he came with a treaty, the leading features of which I shall give by extracting its most important provisions.

The instructions of Mr. Buchanan to Mr. Hise assert in bold and true terms the rights of the United States and the motives of England; and for their most lame and impotent conclusion, I confess myself at a loss to account. I give those clauses which contain the substance and meaning of the whole. He says:

"The object of Great Britain in this seizure is evident from the policy which she has uniformly pursued throughout her history, of seizing upon every valuable commercial point in the world, whenever circumstances have placed it in her power. Her purpose, probably, is to obtain the control of the route for a railroad and canal between the Atlantic and Pacific oceans by way of Lake Nicaragua."

He also insists on the policy "of excluding all interference on the part of European governments in the domestic affairs of the American republics." He asserts the wrong of Britain, and denies their claims, but says, in conclusion, that "the Government of the United States has *not yet* determined what course it will pursue in regard to the encroachments of the British Government." So instructed, Mr. Hise, not perhaps pursuant to instructions, but under the impulse of genuine American feelings, and impressed with the dangerous character of the intrigues of the agents and representatives of Great Britain, particularly at and about San Juan, concluded a convention with Commissioners of Nicaragua, with the following provisions:

1st. That the United States should enjoy the perpetual right of way through the territories of Nicaragua by any means of conveyance then existing, or which thereafter might be devised.

2d. That the United States, or a company chartered by it, might construct a railroad or canal from one ocean to the other, and occupy such lands, and use such natural materials and products of the country as might be necessary for the purpose.

3d. That the United States should have the right to erect such forts on the line or at the extremities of the proposed work as might be deemed necessary or proper for its protection.

4th. That the vessels and citizens of all nations at peace with both contracting Powers might pass freely through the canal.

5th. That a section of land two leagues square at either termination should be set apart to serve as the sites of two free cities under the protection of both Governments, the inhabitants of which should enjoy complete municipal and religious freedom, trial by jury, exemption from all military duty, and from taxation, &c., &c.

In consideration of these privileges the United States were to be bound to defend and protect the territorial rights of Nicaragua, to preserve the peace and neutrality of her coasts, and some other

provisions not relevant to the matter in hand. Before Mr. Hise had concluded this convention the Administration which sent him had gone out, and General Taylor was inaugurated. Mr. Hise was recalled, and Mr. Squier sent in his stead, with instructions from Mr. Clayton, which I shall lay before the committee. This treaty of Mr. Hise, which certainly contains matter worth consideration, was suppressed by the Taylor administration, on the ground that it was completed after the date of his letter of recall, and that it exceeded his instructions. The very truth is, it was suppressed because it took the American ground, and would have brought us by possibility in contact with England, which was then asserting new and most extraordinary propositions. We will see what those propositions were, and how they were met by Mr. Clayton, and by his successor. Mr. Manning, Vice Consul at Nicaragua, writes to Lord Palmerston in April, 1849:

"My opinion, if your lordship will allow me to express it, as regards this country, for the present is, that it will be overrun by American adventurers, and consequently bring on her Majesty's Government disagreeable communications with the United States, which possibly might be avoided by an immediate negotiation with Mr. Castellan for a protectorate and transit favorable to British interests. The welfare of my country, and the desire of its obtaining the control of so desirable a spot in the commercial world, and free it from the competition of so adventurous a race as the North Americans, induce me to address your lordship with such freedom."

And Lord Palmerston, in a letter addressed to all the British agents in Central America, asking information as to the boundaries of the Mosquito kingdom, says: "You will also report what in your opinion is the line of boundary which her Majesty's Government should insist upon as absolutely essential for the security and well-being of the Mosquito shore;" and without waiting for a reply, says, in a circular letter to the representatives of his Government, that "the right of the King of Mosquito should be maintained as extending from Cape Honduras down to the mouth of the river San Juan." The answer of Chaffield, the English factotum in Central America, improves on Lord Palmerston's exaggerated claim, and says that the Mosquito boundary should pass the river San Juan and reach even to Chagres; because, he says, "looking to the probable destinies of these countries, considerable advantages might accrue in after times by reserving the rights of Mosquito beyond the river San Juan," and suggests, as Manning had done, an "early assertion" of these claims.

The actual seizure with armed force of the port of San Juan, the only terminus of the inter-oceanic communication on the Atlantic side, under pretext of the right of the Mosquito King, and the knowledge of the schemes and designs revealed by the above extracts, prompted Mr. Hise to make the effort to conclude his proposed treaty. In the fear of England, but under the pretexts of want of authority, the administration of General Taylor would not even submit the convention to the Senate, and withheld it from the Senate on a call for it, as appears from Senate Journal, February 13th, 1850. However, General Taylor did what Mr. Buchanan had so singularly omitted to do. He answered to the applications which the Nicaraguan republic had addressed to this for protection against English encroachment, and says, after a recognition of the correctness of the positions taken by the Nicaraguan government, that "the representations of Nicaragua had been received with lively and painful interest," and that the

United States would endeavor to "vindicate her just territorial rights, and secure her peace and prosperity." Assurances to the same purpose were made by Mr. Clayton. How have they been redeemed by him or by his successors?

Mr. Squier received instruction from Mr. Clayton, from which may be gathered his intention to make a treaty with Nicaragua, not wholly inconsistent with our interests and the promise we had made. Unfortunately, however, the treaty made pursuant to those instructions was suppressed by Mr. Webster. And more unfortunately still, Mr. Clayton made a treaty with England, which, under the construction given by his successor, surrendered the very rights it was intended to protect, and was fatal to the treaty negotiated with his own agent, under his own instruction. Mr. Clayton says, after a masterly and conclusive argument against the right of the English under the Mosquito King:

"It is manifest, indeed, that the rights claimed by Great Britain nominally in behalf of the Mosquito King, but really as her own, are founded in repeated injustice, and a usurpation, were it granted, and could only a acknowledged and relinquished by her during the dominion of Spain in the American continent. Since that dominion has ceased, those claims could have had no other foundation than what the supposed weakness or indifference of the Spaniards invested with the rights of Spain in that quarter. *Instructions of John M. Clayton, Secretary of State, to Mr. Squier, Envoy Extraordinary and Consul General, to Nicaragua.*"

And again, giving his own views of the Clayton and Bulwer treaty:

"We have never acknowledged, and never can acknowledge, the existence of any claim of sovereignty in the Mosquito King, or any other Indian in America. *It does not belong to him the title of King. It belongs to her own territory.* Having always regarded the Mosquito as a mere right of occupancy, we can never admit that such a title should ever be treated otherwise than as a thing to be extinguished at the will of the discoverer of the country. Upon the ratification of the treaty, the Clayton and Bulwer treaty, Great Britain will no longer have any interest in denying this principle, which she has recognized in every other case in common with us. Her pretensions will be reduced to a shadow. *She shall no longer be able to claim neither occupancy, jointly, or exclusively, nor a title dominant or control in any part of the Mosquito coast, or Central America.* To attempt to do either of these things, after the exchange of ratifications, would inevitably produce a rupture with the United States. By the terms of the treaty no other party can pretend to occupy, nor occupy to protect."

Mr. Clayton further instructs Mr. Squier:

"We are willing to enter into treaty stipulations with the government of Nicaragua that both Governments shall protect and defend the proprietors who may succeed in opening the canal, and opening water communication between the two oceans. All apprehensions, however, will be removed by the solemn pledge of protection given by the United States, and especially when it is known that our object in giving it is not to acquire for our slaves, nor to give or partial advantage over other nations. Nicaragua will be at liberty to enter into the same treaty stipulations with any other nation that may claim to be of the same benefits, and will agree to be bound by the same conditions."

And yet again Mr. Clayton says as to boundaries—and in utter exclusion of the English Mosquito claim:

"Against the aggressions on her territory, Nicaragua has firmly struggled, and protested without ceasing, and the feelings of her people may be judged from the passionate language of the proclamation of her Supreme Dictator, November 12th, 1848. The moment, says he, has arrived for losing a country with a government, or for suffering the dearest treasures to passivate it. As regards myself, the power which no man sets aside justice, I am firmly resolved to be entombed in the remains of Nicaragua, rather than survive its ruin."

The eloquent appeal of the Minister of Nicaragua to his government, is evidence not less striking than impressive of the disposition of an injured people to resist what they believe to be injustice and oppression. Will other nations inter-

ested in a free passage to and from the Pacific ocean by the way of the river San Juan and Lake Nicaragua, tamely allow that interest to be thwarted by such pretensions? Meaning of the Mosquito protectorate of Great Britain! "*As it regards the United States, this question may be confidently answered in the negative.*"

Now, if all this means anything, it means to say that Nicaragua has a right to the line of proposed inter-oceanic communication, including the port of San Juan; and that we will protect this right, if she gives us the right of way—every line. The mere fact of treating with her about the matter, acknowledges her right. The instructions to Mr. Squier, provide that Nicaragua shall only "*enter into treaty stipulations with other nations that may claim to enjoy the same benefit, and will agree to be bound by the same conditions.*"

This very condition of the treaty with Nicaragua, forces England either "*to be bound by the same conditions,*" an acknowledgment of the right of Nicaragua to the port of San Juan, or it cuts her off from the equal enjoyment "*of the same benefits*" of the transit route. Pursuant to these instructions, Mr. Squier made a treaty with Nicaragua, carrying out their spirit and intention, fully and fairly. I cannot give the treaty in full, but the following clause shows its character:

ART. 33. "*It is expressly stipulated that the citizens, vessels, products, and manufactures of all nations, shall be permitted to pass upon the proposed canal, through the territories of Nicaragua, subject to no other, nor higher duties, charges or taxes, than shall be imposed upon those of the United States: Provided always, That such nations shall first enter into the same treaty stipulations and guarantees respecting said canal, as may be entered into between the State of Nicaragua and the United States.*"

The same provision is made in the treaty of commerce, negotiated at the same time. The right of way was granted by Nicaragua to American citizens; and this treaty, as is obvious, would bring all nations into league against England, if she refused to make the same. Had this treaty been adopted, Nicaragua would have been secured according to her prayer to us, and our solemn pledges to her, against the encroachments of England.

Of course England opposed this treaty in Nicaragua, by every art, which I have not space here to expose. She failed; and as far as Nicaragua was concerned, the treaty was made 23d September, 1819. It was sent home, approved by General Taylor, and submitted to the Senate. It was never acted upon. The death of General Taylor placed our foreign relations in other hands than those of Mr. Clayton, and gave the English Government the power it would probably not otherwise have had, to turn against us those very acts of Mr. Clayton, which, if unwise in the last degree, wanted yet the action of Mr. Fillmore and his Cabinet, to become altogether disgraceful.

Mr. Clayton, pending the negotiations above alluded to with Nicaragua, and no doubt, as he has often declared, for the purpose of concluding forever the British claims, of whatever character, which came in conflict with the rights of Nicaragua, committed the fatal error of treating with England in an affair in which she had no right. He intended, by the very terms of the treaty, to declare that she had no rights. Why, then, in the name of common sense, should he have treated about those rights as if they existed? But here is the article of the treaty on which all the outrageous claims of England are based, and by which, under the construction of this Administra-

tion, we are made to yield the whole question originally in dispute, and to stultify ourselves before the world:

"ART. 1. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has, or may have, to or with any State or people, for the purpose of maintaining or erecting any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or the subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or the subjects of the other."

Now, no doubt this appeared clear to Mr. Clayton, and no doubt he thought that by no greater sacrifice than the great principle of "non intervention by the Powers of Europe in the domestic affairs of the independent States of this continent," he had attained his object and avoided any collision with England. On the contrary, England has so construed the treaty as to make it an acknowledgment of all her most extravagant demands. Mr. Bulwer says, in a letter to Mr. Webster, that the agreement was not designed to affect the position of Great Britain as to the Mosquito kingdom—and argues that the mere reference to protection contained in the treaty recognizes the right and the fact, and that England only meant to say that she would not exercise this protectorate so as to interfere with the proposed canal. Under this construction, England now occupies San Juan—*now oppresses Nicaragua, and now sustains the very protectorate under which she had perpetrated all the wrongs we have pledged ourselves to redress.* In further evidence of the construction put on this treaty by England, and also her mode of dealing with refractory republics, see this letter from the representative of England in Central America to the government of Nicaragua, 15th August, 1850:

"Instead of insisting on its supposed right to the Mosquito shore, Nicaragua would best consult her interest by at once making good terms with England—for resistance in this matter will be of no further avail. It is impossible that Nicaragua should be ignorant of her Britannic Majesty's relation to the Mosquito question, as it has before it the letter of Viscount Palmerston, of the date 15th April last, in which he declares, in the most clear and direct terms, the utter impossibility of acceding to the pretensions of Nicaragua. On the other hand, the treaty of Messrs. Clayton and Bulwer, about which you have so much to say, and in which you express so much confidence, expressly recognizes the Mosquito kingdom, and sets aside the rights which you pretend Nicaragua has on that coast. The true policy is for Nicaragua to undeceive herself in this respect, and to put no further confidence in the protestations and assurances of pretended friends, (viz. Americans.) It will be far better for her to come to an understanding, without delay, with Great Britain, on which nation depends not only the welfare and commerce of the State, but also the probability of accomplishing anything positive concerning inter-oceanic communication through her territories, because it is only in London that the necessary capital for such an enterprise can be found."

I will not now argue the question if this be the true construction; it is or it is not. If it is, we have surrendered the Monroe doctrine wholly; we have violated our pledged word willfully, and we have, by acknowledging the Mosquito king, subverted the very principle on which all territorial

right in the New World rests, viz: that the aborigines had only a possessory right, and no sovereignty or eminent domain over any part of it. If it is not the true construction, we are permitting England to violate her treaty obligations with us most injuriously every day, and by this same violation of faith with us, to inflict the deepest wrong on the sister republic which had claimed, and to which we had promised our protection.

This would be our position if no further action had been taken by this Administration after Mr. Clayton left the Department of State. But, sir, I grieve to say that the most intolerable part of the record remains to be completed. And here, sir, I wish to bring a most significant fact before the committee and the country. On the 26th of February, 1851, the following letter was addressed by the Minister of Nicaragua to the Secretary of State, (Mr. Webster.) I give a translation as literal as possible:

WASHINGTON, February 21, 1851.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the republic of Nicaragua, has the honor to address Mr. Daniel Webster, Secretary of State of the American Union, to submit to him a few remarks concerning the interpretation that Great Britain has believed necessary to give to the treaty concluded between this last Power and the Government of the United States, the 19th April, 1850. It is notorious to all that the said treaty has for object to give the most complete security for the execution of the maritime canal through the Isthmus of Nicaragua and to guaranty the neutrality of this important way of inter-oceanic communication. With out any doubt to attain this object, and in order to avoid difficulties of any kind to the lawful execution of said treaty, both Governments have thought necessary to insert in the articles, the nomenclature of the States, districts, and localities adjoining the place through which the canal is going to run, among others the coast and the Mosquito country which form and constitute, and that have constituted and formed an essential and integral part always of the republic of Nicaragua.

Hence arose that Great Britain, wishing to take advantage of the same text and the clauses of the treaty, has directed all her agents in Central America, and principally in Nicaragua, new instructions and communications in which expressly is stated that the Government of the American Union recognizes the existence of the pretended Mosquito Kingdom, and the usurpation of the port of San Juan, and that, far from abolishing the rights of the savage chief, the treaty confirms them in full.

The undersigned, although fully persuaded of the error of the British Government, cannot help, on this account, to address Mr. Daniel Webster, Secretary of State, with the view of ascertaining if the Government of the Union really intends to recognize the existence of a territory separated, covering, and independent of the republic of Nicaragua, generally known under the name of the coast and Mosquito Kingdom, and if the actual Administration which directs the destinies of the American people so wisely and prudently, abounds in the ideas and principles expressed in the dispatch of his honorable predecessor of the 5th of May, 1850, directed to the Charge d'Affaires of the republic of Nicaragua. The undersigned avails himself of this opportunity, &c., &c.

To which letter no answer has yet been returned. Perhaps this silence, apparently unaccountable, will be made intelligible by considering carefully the *project* of a convention signed by the Secretary of State for the United States, and the British Minister, (Mr. Crampton,) and presented to the government of Nicaragua. The *project* should be inserted entire, but its length forbids. I give its substance, under all the responsibilities for any misrepresentation:

I. That the entire southern bank of the river San Juan and Lake Nicaragua, including the department of Nicoya, or Guanacaste, on the Pacific, shall be definitely conceded to Costa Rica.

II. That the Mosquito kingdom shall comprise the territory lying between the mouths of the rivers Rama and Segovia, on the eastern coast of Central America, and shall extend inward to the meridian of 83° 30' west longitude.

III. That the port of San Juan de Nicaragua shall be "ceded" to Nicaragua by his august Majesty, subject to a

variety of conditions, amongst which a recognition of all Mosquito ground, and the surrender for three years, of all duties collected there, at a rate of ten per cent annually, to this august potentate.

The Mosquito Indians do reserve to themselves a part of the territory herebefore claimed and occupied, on the eastern coast of Central America, a definite territory to be bounded as follows: Beginning on the shore of the Caribbean Sea, at the mouth of the river Rama, and to 11° 31' north latitude, and 84° 14' west longitude, and to run due west to the meridian of 84° 30' west longitude, from Greenwhich, thence due north and north-east to the river Segovia, thence down said river to the Caribbean Sea, thence southward along the shore of said river to a point of beginning, and all the tract and region and territory, and lands lying southward and westward of said river, and heretofore occupied or claimed by the said Mosquitoes, including Greytown, they shall recognize and cede to the republic of Nicaragua, together with the land between over the same, in consideration of a compensation of three years from all duties levied and collected by Great Britain at the rate of ten per cent *ad valorem* on all goods imported into the State, for a period of three years to be computed on the day when Nicaragua shall force the possession of said and enter into the occupancy of said town. The said receipts to be payable quarterly to such extent as may be appointed to receive them.

Nicaragua is required not to molest or oppress the Mosquito Indians within the territory reserved to them.

The first thing which strikes one on eye in reading this *project* is the recognition of the Mosquito kingdom. This it not only does expressly by setting forth its boundaries, but by signifying, for the cession ("ceded") is the term used for the report of San Juan on certain oppressive exactions by the Mosquitoes to Nicaragua. Now, to the Mosquito kingdom, in the extracts already made from Mr. Clayton's instructions to Mr. Squier, the argument against any title in them is complete. But I will add a few considerations and authorities to the same purpose:

"The Mosquito Indians are sunk in the lowest state of ignorance and barbarism. Their number is reckoned the Woodjas, Ramas, Towkas, and others not including the sovereignty of the Moscos does not extend to them."

Mr. Hise, *United States Charge d'Affaires to Mr. Buchanan*, February, 1851.

"The Mosquitoes are inferior to the Indians of the United States in personal appearance, and in a variety of things in the mental scale. They are savages and uncivilized beyond description. From the test of my examination the 'nation' does not even come into consideration as a hundred, and it is not probable that one of them could have any idea of a national character. It is hard to understand that a number of Indian tribes in the interior are called by the English to be under Mosquito authority, and I cannot learn that they admit any such authority. On the contrary, they actually prohibit, under penalty of death, any mixture with the Mosquitos."—*Mr. Squier, United States Charge d'Affaires to Mr. Clayton*, June, 1848.

"They do not appear to have any idea of a Supreme Being."—*Young's Mosquito Shore*, p. 72.

"Chastity is not considered a virtue; polygamy is common amongst them."—*Id.*, p. 73.

"A plurality of mistresses is no disgrace, and it is not uncommon for a British subject to have one or more of these native women at different parts of the coast. They have acquired great influence through them."—*Macgregor's Report to British Parliament*.

"I have never known a marriage celebrated amongst them. The children are, in general, baptized by the captains of trading vessels from Jamaica, who perform the ceremony with anything but reverence on all who have been born during their absence. Many of them are inoculated to them for more than baptism. I could enumerate to you a dozen children of two of these captains. By this licentious and immoral conduct, they have identified themselves with the natives. Their arrival is hailed with joy, as the season of festivity, revelry, Christmas, and debauchery."—*Robert's Mosquito Shore*, p. 109.

And the Secretary of State of Nicaragua to Lord Palmerston, says:

"You know, sir, very well, that the established practice for a society which considers itself capable of assuming the rank of a nation, to obtain its recognition as such, is to solicit through its chief, his ministers, or direct accredited agents, the recognition of established States. But this rule

of international law has in no way been complied with by the pretended King of Mosquito, who, it is alleged, now assumes to raise the question of boundary with Nicaragua. This government has not recognized, and will never recognize such a kingdom as 'Mosquito,' much less the territorial pretensions of which you speak. No such king has existed, or now exists. It is preposterous, sir, that a few savages, wandering in the forests and wastes on the coasts of Honduras and Nicaragua, living by the chase and fishing, without houses, without a known language, without written characters, arts, laws, or religion, without any of the elements which, according to received principles, are necessary to a nation of existence—that such a horde of savages should profess to constitute a regular society, or what is more, a kingdom!"

Chief Justice Marshall says—and the opinion has never been contradicted or questioned—in regard to all Indian title:

"While the different nations of Europe respected the rights of the natives as *capable*, they asserted the *ultimate dominion* to be in themselves."

And again:

"The United States maintain, as all others have maintained, that discovery gave the exclusive right to extinguish the Indian title to occupancy, either by purchase or conquest, and also gave a right to such a degree of sovereignty, as the circumstances of the people would allow them to exercise."

But, sir, not only are the Mosquitos incapable of the rights asserted for them in this treaty, but the republic of Nicaragua has a title to the port of San Juan and the whole of the territory to be "*ceded*" by this *projet* as clear and indisputable as the United States to the District of Columbia. In 1502, Columbus sailed from Cape Honduras to the Isthmus of Panama, and took possession in the name of Spain. There are grants made in close and constant succession of different parts of this coast by Spain down to 1786. England had, however, attempted to exercise sovereignty over part of the Mosquito shore in the mean time; but by a treaty of the above date she recognizes the title of Spain, and withdraws her protection from such of her subjects as may "*be so daring*" as to settle on the territory belonging to Spain. The terms of this treaty are recognized and renewed by the treaty of Madrid, dated August 28th, 1814. The history of the time from 1814 to 1824 exhibits abundant proof of occupancy by Spain of this coast; and when the confederation of Central America declared its independence, England herself recognized it with the boundaries settled in the constitution as reaching from "*sea to sea*." And on the dissolution of that confederation England also recognized the boundary of the State of Nicaragua, which was declared to run from sea to sea. By two treaties with Spain, one in 1826, the other in 1850, the title of Nicaragua is recognized over the *Mosquito coast* and "*from sea to sea*." The port of San Juan, which this *projet* would make Nicaragua purchase from the Mosquitos, was fortified by Spain as early as 1665, and the defenses renewed in 1727, and her occupation of it uninterrupted till 1824, when the troops of Nicaragua expelled the Spanish garrison. In 1842, and also in 1844, San Juan was blockaded by England as a port of Nicaragua, to recover claims brought against Nicaragua. And England never in any way, till 1847, disputed the title of Nicaragua, at least to this point; and never in any manner asserted the Mosquito title south of Blewfield's Bay before that year, when, as I have before shown, she determined to control the terminus of the inter-oceanic communication, and under this ambulatory Mosquito claim seized with an armed force the port of San Juan, driving out the troops of Nicaragua, and holding it herself, as she still

holds it, under the affectation of a Mosquito protectorate.

The *projet* also contemplates a robbery of Nicaragua in favor of Costa Rica, which is so clearly and concisely exposed in the following extract, that with it I may finish this part of the subject:

"Upon the independence of Central America, the various provinces of the old Captain Generalcy, corresponding to our thirteen colonies, took the rank of independent States, and, as such, subsequently entered into the confederation of Central America. Each State assumed the boundaries which it had possessed as a province. From this arrangement there was no dissent. As provinces, the boundary between Costa Rica and Nicaragua had been repeatedly defined by royal decrees, by the historians of the country, and by the official maps. This was a right line, running from the lower or Colorado mouth of the San Juan river, to the mouth of the Rio Salto de Nicoya, or Alvarado, on the Pacific. All the Spanish maps, from the earliest periods to that of the disruption of the Spanish Empire in America, all lay down this line as a boundary. But upon this point the best evidence is that furnished by Costa Rica herself. In her first constitution, (art. 15, chap. ii.) dated January, 1825, she defines her boundary on the north to be precisely what we have stated, *i. e.*, the mouth of the San Juan on the Atlantic, and that of the Alvarado on the Pacific. Were any further evidence necessary, it is afforded by the map attached to Thompson's Guatemala, which was furnished to the author of that work, officially, by the Government of the republic of Central America, of which Costa Rica formed a part. There was neither misunderstanding nor dispute upon the subject."

"So things remained up to the 9th of December, 1823, when the Federal Congress, from causes in no way connected with any question of territorial right, passed a decree as follows: '*For the present, and until the boundaries of the several States shall be fixed in accordance with act seven of the constitution, the department of Nicoya (or Guanacaste) shall be separated from Nicaragua and attached to Costa Rica.*' Although this decree was provisional, Nicaragua did not submit to it without an earnest protest, in which the inhabitants of the district also joined. The Congress, however, never proceeded to define the limits of the respective States, and in 1838, the confederation was dissolved. By the dissolution, the original rights of the States, territorial as well as all others, reverted to them again in their sovereign capacity. The temporary alienation of Nicoya ceased, and it reverted to its true proprietor, whose rights, at the most, had only been suspended. Yet, it is upon this temporary concession of the Federal Congress that any claim of Costa Rica must rest; but no claim thus founded can for a moment receive the sanction of reason."

"Still, admitting it to its full extent, and admitting that Congress not only had the right of separating Nicoya from Nicaragua, and supposing that it had exercised the power with a view to permanency, and that the whole transaction had been concurred in by Nicaragua, yet, even then, Costa Rica could not claim a foot beyond the *actual limit of the department of Nicoya*, which constitutes less than one third of the vast territory which Mr. Webster proposes to surrender to her! Nicoya is comprised between the south-western shore of Lake Nicaragua and the Pacific, and embraces no portion of the territory south of Lake Nicaragua, and below the San Juan river, a territory over which Nicaragua has always maintained jurisdiction, where she has had forts for centuries, and which she still occupies. As late as 1846, Costa Rica negotiated with Nicaragua for the *privilege of passing through this territory*, and in 1848 made overtures for the purchase of it."

This plan for the partition of Nicaragua was presented to her Minister here. He resisted and expostulated, but in vain: it was sent to Nicaragua, and, after being considered by the Government, was replied to by the following decree:

The Director of the State of Nicaragua to its Inhabitants:
Inasmuch as the Legislative Assembly has decreed the following:

The Senate and Chamber of Representatives of the State of Nicaragua, in Assembly convoked—

DECREES:

ART. 1. The State of Nicaragua does not accept the project of convention or recommendatory basis, adjusted on the 30th of April last, between his Excellency Daniel Webster, Secretary of State of the United States, and his Excellency J. F. Crampton, Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, in respect to the territorial boundaries between Costa Rica and Nicaragua, and the separation of the Mosquito coast.

ART. 2. The State of Nicaragua is deposed to have the question started, in connection with the points mentioned, discussed before imperial arbitrators.

ART. 3. The State of Nicaragua protests solemnly against all foreign interference in the affairs of its government, and against the use of force to coerce its will or violate its rights.

Given in the Hall of Sessions of the House of Representatives, Managua, July 11, 1852.

AGUSTIN AVILES, *Rep. Pres't.*

JOAQUIN CUADRA, *Rep. Sec't.*

MARIANI BOLANOS, *Rep. Sec't.*

In the Executive Hall of the Senate, Managua, July 16, 1852.

MIGUEL R. MORALES, *Senate Pres't.*

J. DE J. ROBLEDO, *Senate Sec't.*

T. GUTIERA,

Therefore, let it be executed.

J. L. PINEDA,

Stipendiary Director of the Government of Nicaragua.

MANAGUA, July 19, 1852. A true copy:

CASTILLOX, *Secretary of Foreign Affairs.*

The following decree had been passed before (viz: in October, 1849) by the same authority:

"The Legislative Chambers of the Republic of Nicaragua, in view of past events and existing circumstances, in conformity with the settled sentiments of the people which it represents, solemnly declare:

"1. Their adhesion to the principle of the total exclusion of European interference from the domestic and international affairs of the republican American States, as necessary to their peace and independence.

"2. That the extension of monarchical institutions by conquest, colonization, or by a support of savage chiefdom to sovereignty, or savage tribes to national existence, or by other means upon the American continent, is in opposition to the interests of the republican American States, dangerous to their peace and safety, and an encroachment upon their individual and collective rights."

And thus the affair was suspended; and nothing but the firmness and decision of the Nicaraguan government has saved us from the deep guilt involved in the *projet* just discussed. When it was discovered that this plan would be opposed by the Minister of Nicaragua, application was made to his government for his recall: this was refused, as he was a long-trying and trusted representative, and the reasons of the demand were asked for: they were not given, but after the death of the then Secretary of State, as lately as the 30th of December, 1852, only the other day, the present Secretary of State addressed a note to the Minister of Nicaragua, refusing to recognize him in his official character; thus proving the persistence of this Administration in the same policy which had dictated the refusal to answer the inquiry contained in the letter to Mr. Webster, inserted above, and making the present Secretary of State a sort of administrator, *de bonis non*, of the unexecuted vengeance of his predecessor.

The last point to which I shall ask the attention of the committee, is the seizure by England of the islands of Rontan, Bonacca, &c., &c., in the Bay of Honduras. This has been completed in two acts: on the 10th of August, 1851, the superintendent of the Balize took possession of, and attached these islands as a dependency of the Balize.

In July, 1852, they were regularly organized under the name of the "Colony of the Bay of Islands." That this is a manifest violation of the Clayton and Bulwer treaty, in the sense which it bears on its face, does not admit of contradiction. But it is contended by the agents of England, that under the explanations and exceptions and conditions between Mr. Clayton and Mr. Bulwer, that British Honduras was not within the scope of that treaty, or its dependencies. Now, admitting this proposition, it is a fact known to every one that these islands were only held by the English themselves to be dependencies of British

Honduras in August, 1851, more than a year after the treaty was concluded; consequently, they could not have been "the dependencies" spoken of in the secret conditions of the treaty. But it is perfectly clear that, under existing treaties, from which I have already cited passages for other purposes, in an unbroken series from 1763 to 1814, and now governing the relation between England and Spain, and from laws passed by the English Parliament, and now in force, that England had no such right even in the Balize or British Honduras, as is asserted over these islands.

Under these treaties, the Balize itself belongs to the State of Guatemala, and the Balize is now in dispute as clearly to Honduras. By the seventeenth article of the treaty of peace, of 1763, it was provided that "His Britannic Majesty shall leave to be demolished all the fortifications which his subjects have erected in the Bay of Honduras, and other places of the territory of Spain, in that part of the world, within four months."

The English did demolish some of their forts, but retained some of their establishments, which violation of the treaty of 1763 led to another war. This war was concluded by a treaty of peace in 1783, by which the English were allowed the privilege of cutting logwood in the district lying between the rivers Hondo and Balize, provided that "the stipulation shall not be considered as derogating in anywise from the rights of sovereignty of the King of Spain." It also provides that all English subjects, "whether on the Spanish continent, or in any of the islands whatever dependent upon it," shall retire within the district above defined. As the conditions of this treaty were violated by the English, another was entered into, in 1786. The first article of this treaty is this:

"His Britannic Majesty's subjects, and the other whom, who have enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without a exception situated beyond the line hereafter described as what ought to be the frontier of the extent of territory granted by his Catholic Majesty to the English, for the uses specified in the third article of the present convention.

"The English line, beginning from the sea, shall take the center of the river Labun, or Labon, and continue up to the source of said river; then thence it shall cross in a straight line the intermediate land till it intersects the river Wallace, (Balize), and by the center of the same river the line shall descend to a point where it will meet the line already settled and marked out by the commissioners of the two Crowns in 1783."

The third article provides that the English may cut certain woods, and "gather such fruits of the earth as are purely natural or uncultivated." And further:

"But it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles, or any trade or manufacture, by means of mills, or other machines whatever, (this restriction, however, does not regard the use of saw mills for cutting or otherwise preparing the wood, since all the lands in question being indisputably acknowledged to belong to the Crown of Spain, no settlement of that kind, or the population which would follow, could be allowed.)"

In this settlement of boundaries, it will be observed that no islands are included; but as if to exclude all doubt upon that subject, the fourth article of the same treaty provides that the English shall use for certain purposes the island of Casina, of St. George's Key, but that "no fortifications shall be erected, or troops established there." Article fifth also provides that some small islands, (not, however, those now in dispute,) may be used by the English for the same purposes, and with the same restrictions as St. George's Key.

"Spanish sovereignty over the country," and the exclusion of any "system of government, either military or civil," by any other Power, are expressly provided for in article sixth. It is obvious, therefore, that the British claim to the Balize is a mere possessory right guaranteed and limited by treaty, and for certain specific purposes, and it is equally obvious that the islands in dispute are not under the treaties, or in any sense dependencies of the Balize.

The limits laid down for the English in the treaty of 1786, were within the territory claimed by and recognized by Spain, as belonging to Guatemala, and that State has the undoubted right, derived direct from Spain, to sovereignty over it. By the same title the islands in dispute belonged to the State of Honduras, and were acknowledged as her territory by Great Britain herself in 1830, when England disavowed in plain terms the act of the superintendent of the Balize in seizing the island of Roatan. The treaty of 1814 refers to and revives the treaty of 1786 with all the boundaries and rights which it contained, and that treaty is the law of the case at the present day. And England has so recognized it to be by acts of Parliament as late as 1819, and now in force, which amends an act passed in 1817, in which these words occur:

"Whereas, grievous murders and manslaughters have been committed at the settlement in the Bay of Honduras, the same being a settlement for certain purposes in the possession, and under the protection of his Majesty, but not within the territory and dominions of his Majesty," &c.

As to the part we should take in any dispute between Guatemala and Great Britain, in regard to the Balize, I have said enough before to indicate my opinion; but upon the much clearer ques-

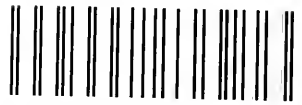
tion arising from the seizure of these islands, which were not dependencies of the Balize, but of the State of Honduras, and which were not claimed as dependencies of Balize for a year after the Clayton and Bulwer treaty, and which therefore could not come within the doubtful reservations, secretly made by Messrs. Clayton and Bulwer explanatory, I do not see how Americans can differ. The treaty of 1814 is plainly violated; the Clayton and Bulwer treaty is as openly broken in the clause which provides, "that neither Great Britain nor the United States shall occupy, fortify, or assume, nor exercise dominion over any part of Central America."

We should take such action as would enforce the treaty, let the result be what it may. It would be no war for conquest, but for the maintenance of national honor and good faith. It would result in placing us in our natural position, as the protector of those republics which have been created by the force of our example, and which have a right to look to us for aid in those emergencies in which we are as deeply compromised as they. I believe such a war—even if there should be a war from the assertion of our manifest rights—would terminate with extended territory, augmented power, and increased influence in the world. If, in its results, the ties which would exist between ourselves and the States of Central America, as guardian and ward—if the sympathy of a common republicanism should be drawn yet closer even to a political union—I can see nothing of evil augury in the prospect. Not that I would desire to see war for this or any other purpose, but to avert injury and disgrace; but I believe that such a war, and for such a purpose, is as sound in policy as right in morals.





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